

**FOR DISCUSSION**

## SIXTH ITEM ON THE AGENDA

**Developments concerning the question  
of the observance by the Government  
of Myanmar of the Forced Labour  
Convention, 1930 (No. 29)****Further action taken pursuant to the resolution  
adopted in 2000 by the International Labour  
Conference**

1. The resolution adopted in 2000 by the International Labour Conference under article 33 of the Constitution called on the Organization's constituents to "review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with [Myanmar] and take appropriate measures to ensure that [Myanmar] cannot take advantage of such relations to perpetuate or extend the system of forced or compulsory labour referred to by the Commission of Inquiry, and to contribute as far as possible to the implementation of its recommendations". A similar call was made to international organizations. The resolution invited the Director-General to report to the Governing Body on the outcome of the measures undertaken by the member States and international organizations.
2. An interim report was provided to the March 2001 session of the Governing Body which summarized the initial responses received by the Director-General.<sup>1</sup> The replies from the Organization's constituents indicated that in general they had adopted what was then described as a "wait-and-see" approach, in the light of the ongoing dialogue which was taking place between the ILO and the Myanmar authorities and which seemed to have the potential of achieving positive results. However, as the momentum in the process of dialogue and cooperation subsequently slowed, there were increasingly calls to return to the application of the measures adopted under the 2000 resolution.<sup>2</sup> In reports to the Governing Body in November 2004 and March 2005 the Office provided some details of

<sup>1</sup> Document GB.280/6.

<sup>2</sup> These calls were made in the debates in the Governing Body at its 286th Session (March 2003), 288th Session (November 2003) and 289th Session (March 2004), and were reflected in the conclusions adopted at those sessions. Similar calls were also made in the Committee on the Application of Standards at the 92nd Session (June 2004) of the International Labour Conference.

which it was aware concerning further action taken by constituents under the 2000 resolution.<sup>3</sup>

3. In the conclusions adopted at its March 2005 session, the Governing Body *inter alia* noted “the growing feeling ... that the ‘wait-and-see’ attitude that prevailed among members, following the initiation of meaningful dialogue since 2001, appears to have lost its *raison d’être* and cannot continue” and indicated that its conclusions should be transmitted to all those to whom the 2000 resolution was addressed. Accordingly, the Director-General wrote on 21 April 2005 to the member States of the ILO, drawing these conclusions to their attention and indicating that any relevant information they may wish to provide would be included in a full report to the November session of the Governing Body. The Director-General also requested that the contents of his letter be brought to the attention of the employers’ and workers’ organizations of the respective countries. Similar letters were sent, also on 21 April, to international organizations<sup>4</sup> and to the United Nations Economic and Social Council.
4. In the conclusions adopted at the end of its special sitting in June 2005, the Committee on the Application of Standards of the International Labour Conference *inter alia* indicated that:

... In the view of the Committee, recent developments had further confirmed the conclusions of the Governing Body at its March 2005 session that the “wait-and-see” attitude that prevailed among most members since 2001 had lost its *raison d’être* and could not continue. The Committee’s general view was that Governments, Employers and Workers, as well as other international organizations, should now activate and intensify the review of their relations with Myanmar that they were called upon to make under the 2000 resolution, and to urgently take the appropriate actions, including as regards foreign direct investment in all its various forms, and relations with state- or military-owned enterprises in Myanmar. In accordance with the conclusions of the Governing Body in March, the present conclusions should be transmitted to all those to whom the 2000 resolution was addressed. The results of such reviews should be fully reported to the Director-General so that the Governing Body could have a complete picture in November. As regards the Economic and Social Council (ECOSOC), it should be requested to reactivate its consideration of the item placed on its agenda in 2001 in this regard, and Members in ECOSOC should be ready to support such a move. ...

Accordingly, the Director-General wrote on 15 July 2005 to member States and on 22 July 2005 to international organizations (the texts of these letters are reproduced in Appendices I and II, respectively). As regards the question of the reactivation by ECOSOC of its consideration of this matter, the Director-General wrote on 30 June to the Secretary-General of the United Nations (this letter is reproduced in Appendix III).

<sup>3</sup> Documents GB.291/5/2 and GB.292/7/1.

<sup>4</sup> Letters were sent to the following 63 international organizations: African Development Bank, African Union, ALADI – LAIA, Andean Community, Arab Labour Organization, ASEAN, Asian Development Bank, Asian Productivity Organization, Caribbean Development Bank, CARICOM, CERN, Council of Europe, CRADAT, Economic and Social Commission for Asia and the Pacific, Economic and Social Commission for Western Asia, Economic Commission for Africa, Economic Commission for Latin America and the Caribbean, ECOWAS, European Bank for Reconstruction and Development, European Commission, FAO, IAEA, ICAO, IFAD, IMF, IMO, Inter-American Development Bank, Inter-Parliamentary Union, IOM, ITU, League of Arab States, Nordic Council, OECD, OHCHR, OIC, Organisation internationale de la Francophonie, Organization of American States, PAHO, SAARC, SELA, United Nations, UN/DESA Population Division, UNAIDS, UNCTAD, UNDP, UNECE, UNEP, UNESCO, UNFPA, UNHCR, UNICEF, UNIDO, UNIFEM, UNODC, UNRWA, Universal Postal Union, WFP, WHO, WIPO, WMO, World Bank, World Tourism Organization, and WTO.

5. The following replies to the Director-General's letters of April and July had been received at the time this document was finalized.

## Replies from member States

6. In letters dated 23 September and 28 October 2005 the Government of *Hungary* indicated that it and the Hungarian social partners had been following the Government of Myanmar's violation of the forced labour Convention for several years and fully supported the efforts of the ILO in this area. It had therefore immediately informed the social partners of the contents of the Director-General's letter of 15 July 2005 and had held consultations on this matter. Hungary was deeply concerned by the credible reports on the use of forced labour in Myanmar. The Government fully subscribed to the European Union's Common Position. It also wished to reaffirm its strong support for the ILO Liaison Officer in Myanmar and for maintaining a presence of the ILO that was able to operate effectively and without interference, including freedom of movement for the Liaison Officer. It was its firm view that anyone bringing complaints of forced labour to the ILO should be free from intimidation or punishment. It also strongly condemned the orchestrated campaign of death threats against the Liaison Officer.
7. In a letter dated 5 October 2005, the Government of *Switzerland* indicated that there had been consultations with the relevant parts of the federal administration, the Swiss central organizations of employers and workers, as well as the federal tripartite committee for ILO questions. The Ministry of Foreign Affairs had supported the conclusions of the 292nd Session of the Governing Body, and the Government was to study how the strengthened sanctions adopted by the European Union would be incorporated in the measures by Switzerland. On the one hand, the Government reaffirmed the desire for the continuation of a fruitful dialogue; on the other hand, after years of unmet expectations, violations of the most fundamental rights should be sanctioned through suitable means. The Government also reported that the Union of Swiss Employers (UPS) had confirmed its support of the measures adopted by the Swiss Federation on 2 October 2000 regarding Myanmar and considered that, through them, Switzerland had already done what was necessary in this matter.
8. In a letter dated 10 October 2005 the Government of *Mauritius* indicated that the content of the Director-General's letter had been brought to the attention of respective employers' and workers' organizations with a request that they provide any relevant information either through the Government or directly to the ILO. The Mauritius Trade Union Congress had indicated that it had no observation to offer. In addition, the Government indicated that it did not in any way whatsoever condone the alleged malpractices perpetrated by the Government of Myanmar in contravention of the forced labour Convention.
9. In a letter dated 21 October 2005, the Government of *Austria* provided the following information. In relation to Austria's overall trade, imports from and exports to Myanmar in 2004 each represented 0.01 per cent (€3.3 million and €10.7 million euros, respectively). There were currently no direct flight connections between Austria and Myanmar. The Austrian trade unions had demanded that the one existing connection be discontinued, and before that was done – among other things for economic reasons – there were discussions between the unions, the representatives of the employers and representatives of the relevant international trade union bodies. Since the International Labour Conference in June 2005 there have been tripartite consultations which have discussed making Austrian companies, which have dealings with Myanmar, aware of the violations of ILO standards by Myanmar. The Organization of Austrian Chambers of Commerce had taken the initiative of visiting Austrian companies operating in Myanmar; no violation of ILO rules could be established. An annex was also included which provided a history and summary

of current European Union measures against Myanmar (reproduced in Appendix IV). The content of the EU Common Position was also highlighted by the Government of *Belgium* in a letter dated 7 November 2005. The Government of Belgium further indicated that it was paying close attention to the issue of forced labour in Myanmar and expressed its strong support for the work of the ILO in the country.

- 10.** In a letter dated 24 October 2005 the Government of *Sweden* indicated that it had brought the matter to the attention of the representative workers' and employers' organizations in Sweden in order that they might take appropriate action, and enclosing a response from the Swedish Trade Union Confederation.<sup>5</sup> The Government indicated that Sweden's relations with Myanmar were of limited extent. Diplomatic relations were conducted through Sweden's accredited embassy in Bangkok. Economic relations were practically negligible. No Swedish direct investments in Myanmar were recorded between 1995 and the second quarter of 2005. In terms of Sweden's overall trade, imports from Myanmar in the first half of 2005 represented 0.004 per cent (SEK14.7 million), and exports to Myanmar represented 0.0008 per cent (SEK0.4 million). The Swedish Government had officially informed Swedish importers of the 2000 resolution and the recommendations of the Commission of Inquiry. The Swedish Government has, especially since 1990, strongly and explicitly urged the return of democracy to Myanmar and a strengthening of the respect for human rights, including the elimination of forced labour. Since 1996 these efforts had been conducted through the European Union Common Position on Myanmar. In the preamble to this Common Position, reference was made to the practice of forced labour as one of the reasons for the sanctions (see Appendix IV for a summary of the Common Position). In 1997 the European Union had also excluded Myanmar from access to trade preferences as a result of an investigation into human rights abuses, focused on forced labour. This decision was recently reviewed and the European Union found no reason to lift it in view of the credible reports of forced labour, in particular by the military. In the course of its Presidency of the European Union, Sweden had led a European Union Troika mission to Myanmar in January 2001, which had inter alia urged Myanmar to re-enter dialogue with the ILO with a view to eradicating forced labour. Sweden supported the 2000 resolution of the International Labour Conference and stood ready to promote, within the European Union, and in conformity with the provisions of the WTO, further measures should the authorities in Myanmar fail to take the necessary steps to end the practice of forced labour. Sweden underlined that it was of utmost importance that the Government of Myanmar re-engaged, as soon as possible, in a dialogue with the ILO, and strongly supported the ILO Liaison Officer in Myanmar, operating effectively and without hindrance. Anyone bringing complaints of forced labour should be free from intimidation or punishment.
- 11.** In a letter dated 27 October 2005, the Government of *Denmark* indicated that it fully supported the 2000 resolution of the International Labour Conference and that it shared the view that the "wait-and-see" approach unfortunately appeared to have produced too few results. It had brought the Director-General's letter to the attention of the Danish employers' and workers' organizations and distributed the letter and its appendices to the tripartite members of the permanent Danish ILO committee. In a letter to the Committee, the Danish Government recommended that the committee reiterate its 2001 appeal to Danish companies to review any cooperation with Myanmar in the light of the situation in the country. All social partners in the committee had informed the Government that they at present had no relations with Myanmar and that they, like the Government, supported the reiteration of the 2001 recommendation to Danish companies. In an annex giving details of Denmark's and the European Union's relations with Myanmar, it was indicated inter alia that Denmark's trade with Myanmar was limited and had declined in recent years. Imports from Myanmar had decreased by 24 per cent from 2003 to 2004 (from DKK108 million to

<sup>5</sup> The content of this response is summarized in para. 18 below.

DKK82 million) and exports to Myanmar had declined from DKK7.3 million in 2003 to DKK7 million in 2004. The Danish Ministry of Foreign Affairs also advised Danes not to travel to Myanmar.

12. In a letter dated 28 October 2005, the Government of *Germany* indicated that Germany's trade with Myanmar was small. Imports were mainly textiles, wood and agricultural (fishery) products totalling €105 million in 2004. The value of exports was €20 million, mainly machinery and electrical and motor vehicle technology. German investments had stagnated over a number of years, and were at a level of around US\$15 million. No further investments have been made in the last years and, due to the political situation, export credits were not available. Germany ended its development cooperation with Myanmar after 1988-89 (earlier it had been the second largest donor after Japan). There were no bilateral agreements to prevent double taxation or for investment guarantees. German investors had gradually withdrawn from Myanmar, as the poor conditions for investment provided only very limited possibilities for profits. Tourism was a potential growth area which should be kept under review. Of the approximately 242,000 tourists who visited Myanmar in 2004, 14,000 (or 6 per cent) came from Germany. Germans were thus the largest group of European tourists to Myanmar. About 27 per cent of tourism came from Europe, 8 per cent from North America and 64 per cent from the Asia-Pacific region (including Australia). Myanmar participated also in some tourism promotion exhibitions abroad. Given the very limited engagement of German firms in the Myanmar market, the German Government could at the present time give no exact data on their actual involvement in Myanmar. About two dozen of the members of the "Ostasiatische Verein", which retained a small representation in Yangon, were active in Myanmar through offices, subsidiaries or joint ventures. These were mainly trading companies or transport or logistics suppliers, which generally would not be involved in the use of forced labour. The German companies in Myanmar were in activities which were not typical for any kind of forced labour. The small share and the kind of activities in which German companies were engaged in Myanmar were such that it did not seem to be sensible to try to influence German companies to further reduce their engagement. Germany continued to support the important work of the Liaison Officer in Myanmar. The ILO community should, as a whole and on a tripartite basis, continue to insist that Myanmar guarantee the security and the freedom of movement of the Liaison Officer.
13. In a communication dated 1 November 2005, the Government of the *Netherlands* provided a preliminary overview of its relations with Myanmar, indicating inter alia that as regards Myanmar the Netherlands pursued a policy of deterrence, discouraging economic activity in or with the country. This policy was an outgrowth of the June 2000 resolution by the ILO condemning the large-scale use of forced labour by the ruling military junta. The policy covered not only trade and investment, but also extended to the service sector, including tourism. Dutch businesses and individuals should be aware that various infrastructural or tourist facilities in Myanmar, in which they may invest or which they use as businesspeople or visitors (e.g. airports, roads, hotels), may have been built using forced labour. The Government further indicated that it was organizing a meeting of experts on Myanmar and that representatives from a number of companies doing business with Myanmar had also been invited. The purpose of the meeting was to facilitate the exchange of a broad range of information among central government, business and industry, NGOs, and trade unions in order to gain the most complete picture of possible Dutch-Myanmar relations, particularly as regards trade and investments. The meeting would also be an opportunity to explain the Dutch deterrence policy in greater depth and to urge companies to respect it. The results of the meeting would be incorporated into a report that would be presented to the ILO in early November.

14. In a letter dated 1 November 2005, the Government of the *United Kingdom* expressed its strong condemnation of the use of forced labour in Myanmar and its strong support for the work of the ILO in addressing this problem. It indicated that there were allegations reported by the ILO of forced labour in the production of commodities including farmed prawns and fish, as well as teak production, and that the United Kingdom was paying particular attention to these in relation to imported produce. It was also considering options in other related areas such as shipping. It was aware of various regulations that should provide a basis for inspection of conditions on board ships while in United Kingdom ports, and any non-compliance which would warrant detention in port. It would bear these regulations in mind in inspecting any Myanmar ships in United Kingdom ports. The Government further indicated that it was aware of plans by Indian and South Korean companies to construct a pipeline from Myanmar to India, and that in its role as Presidency of the EU would be reminding the Indian and South Korean Governments and the companies involved about the importance of ensuring that forced labour was not used in Myanmar in connection with this project. It also outlined the developments in the EU's Common Position on Myanmar due to concerns over human rights abuses including forced labour (see also Appendix IV for further information). It expressed its strong support for the Liaison Officer and unequivocally condemned the death threat campaign against him. It called on the Myanmar Government to take immediate action to halt this campaign and to enable him to travel freely throughout the country again. It also called on the authorities to facilitate a presence of the ILO which could operate effectively and without hindrance. It was essential that anyone bringing complaints of forced labour should be free from intimidation or punishment.
15. In a communication dated 3 November 2005, the Government of *Norway* provided information on its review of its relations with Myanmar. It indicated that it had for a long time been deeply concerned about the deteriorating situation in Burma and in particular the need for an effective implementation of the prohibition of forced labour. The Norwegian Government encouraged its citizens not to trade with, invest in or travel to Burma. It adhered to the framework of the EU Common Position on Myanmar (see Appendix IV for a summary). In addition to providing funds for humanitarian activities and peace, reconciliation and democracy projects in its bilateral contacts especially countries within ASEAN+3, it had focused on the need for national reconciliation, democratization and human rights in Myanmar. Norwegian trade relations with Myanmar were limited. Imports from Myanmar in 2004 totalled NOK 11.5 million, a slight decrease from 2003. The main commodity imported was teak. The Government also indicated that it had brought the Director-General's letter to the attention of the most representative workers' and employers' organizations of Norway as well as the tripartite Norwegian ILO Committee.
16. The Governments of *Iceland* and *Azerbaijan* provided information on steps that they were in the process of taking. In a letter dated 29 August 2005 the Minister of Social Affairs of *Iceland* stated that the promises made through the years by the spokesmen of the Government of Myanmar had proved to be worthless and he was sorry to say that the situation had become more serious for the general public in that country. It was also indicated that the Director-General's letter had been forwarded to the Ministry of Foreign Affairs of Iceland for consideration. In a letter dated 14 October 2005 the Government of *Azerbaijan* indicated that the matter had been submitted to the Cabinet and had also been brought to the attention of the national employers' and workers' organizations so that they could take any appropriate action and inform the ILO directly or through the Government.
17. The Governments of *Lebanon*, *Rwanda* and *Panama* indicated that they did not maintain relations with Myanmar. *Lebanon* and *Panama* also indicated that they had brought the content of the Director-General's letter to the attention of their national employers' and workers' organizations. *Lebanon* further added that according to the statistics at its disposal for the year 2004, no authorizations had been granted to any Myanmar nationals

to work in Lebanon. The Federation of Chambers of Commerce, Industry and Agriculture of Lebanon had also indicated that it had distributed the content of the Director-General's letter to its member chambers.

## Replies from employers' and workers' organizations

18. In a letter dated 21 October 2005, the *Swedish Trade Union Confederation* indicated that the widespread practice of forced labour in Myanmar had been a major concern to the Confederation for many years. It had written several times in recent years to the Swedish Government, including most recently on 19 September 2005, requesting that strong measures be taken against Myanmar, including a ban on Swedish foreign direct investments, and that action to restrict trade with Myanmar be taken within the European Union context. The Confederation had also requested the Swedish Government to raise the matter of action against Myanmar with the United Nations, the World Trade Organization and other relevant international organizations. In response to the resolution adopted in 2000 by the International Labour Conference, the Confederation decided in February 2001 inter alia to request its affiliated trade union federations to investigate their respective sectors to ensure that no Swedish enterprises or public bodies had trade relations or investments in Myanmar and that no goods were imported from the country. On one occasion in 2002 one of the affiliates refused to agree to a temporary labour permit in Sweden in relation to a joint venture. Following the International Labour Conference in June 2005 the Confederation had once again requested its affiliates to conduct a review of their respective sectors and take action as appropriate. The Confederation had also taken steps to raise public awareness of the situation and to provide technical assistance to those struggling for freedom, democracy and human rights in Myanmar. The Office also received a copy of a letter dated 4 October 2005 from the *Swaziland Federation of Labour* to the Commissioner of Labour of Swaziland requesting that there be a tripartite discussion of Swaziland's position as regards the question of Myanmar.
19. In a communication dated 8 November 2005 the *AFL-CIO* (United States) reported that it had continued its supportive relationship with the Federation of Trade Unions-Burma (FTUB) as well as with various ethnic unions, especially on documenting forced labour in Myanmar and violations of other internationally recognized labour standards. The AFL-CIO had urged multinational enterprises such as AON, Chevron, Premier Oil and UNOCAL to cease their operations in the country. The AFL-CIO also recalled that it had called on the United States Government in 2000 to ban immediately all imports from Myanmar, at a time when the United States was one of its largest consumer markets. The United States Congress responded in 2003 by banning all imports from Myanmar, and the required annual renewal of the ban had taken place in 2004 and 2005. To the AFL-CIO's knowledge no other country had banned imports from Myanmar.
20. In addition to the above information from national workers' organizations, the Office also received a communication dated 7 November 2005 from the *International Confederation of Free Trade Unions* (ICFTU), on the actions that it had taken. The ICFTU noted that, in many cases, these actions were taken with the support and cooperation of regional and national workers' organizations. It indicated that in 2004 it had written to the State Peace and Development Council (SPDC) to protest at the death sentences passed on a number of individuals, including activists and leaders of the FTUB, for alleged contacts with the ILO. It had simultaneously called on its worldwide membership to take similar action. It had also taken steps to publicly denounce SPDC accusations that the FTUB had been involved in terrorist acts. It had also made various interventions with governments and the UN High Commissioner for Refugees to prevent possible forced repatriation of Myanmar migrant workers in view of the danger that they would be exposed to forced labour and/or other

violations of fundamental rights if returned to Myanmar. In 2003, 2004 and 2005, the ICFTU had submitted detailed information to the ILO Committee of Experts as regards the continued imposition of forced labour in Myanmar. Over the same period, it had also addressed the UN Commission on Human Rights on the issue, urging it to support ILO action in this regard. It had similarly addressed the European Commission and the European Parliament, and in cooperation with the European Trade Union Confederation (ETUC) and their common European affiliates, had intervened with the European Commission with a view to strengthening the EU's Common Position on Myanmar, notably on the matter of targeted and effective economic sanctions. In June 2005, it had written to all of its affiliated organizations, requesting them to urge their respective governments to press the UN Economic and Social Council (ECOSOC) to resume its examination of forced labour in Myanmar, in line with the ILC resolution of June 2000 and the conclusions at the 93rd Session of the ILC. In October 2005, it had called on all its affiliated organizations to press their respective governments to request the UN Security Council to place an item on its agenda concerning Myanmar. In 2003, it had also warned the ADB against financing a proposed dam in Myanmar because of the implications as regards forced labour. With regard to business and investments, from 2003 to 2005 the ICFTU had written to several hundred companies engaging in business activities in or with Myanmar, urging them to cease these activities on the grounds that they could have the direct or indirect effect of perpetuating the practice of forced labour. It had subsequently published its correspondence with those companies which maintained their links with Myanmar on its "Burma companies database". In January 2005, it had also published a comprehensive study which argued that it was impossible to do any business in or with Myanmar without supporting the military authorities.

## Replies from international organizations

21. In a letter dated 26 August 2005 the *United Nations High Commissioner for Human Rights* indicated that the Special Rapporteur on the situation in Myanmar had not been granted access to the country since November 2003 and that his latest request to visit the country had been turned down only the previous week. The Special Rapporteur had recently tabled his 2005 report to the United Nations General Assembly (a copy of which was provided). Further to his recent assessment the High Commissioner regretted that the current human rights situation in Myanmar continued to be a cause for serious concern. The United Nations human rights machinery received and followed up on an ongoing basis allegations of widespread violations, particularly in ethnic minority areas, as well as continued reports of the misuse of legal machinery and a prevailing culture of impunity. Communications to the Government, however, rarely received a response. The prevalence of forced labour and increasingly difficult operational circumstances of the ILO Liaison Officer in Myanmar was to be deeply regretted.
22. In a letter dated 7 November 2005 the *European Commission* recalled that, since the suspension of Myanmar from the Generalized System of Preferences in 1997, the country had not benefited from tariff- and quota-free access to the EU market. Asset freeze lists had been updated on the occasion of the yearly reviews of the EU's Common Position on Myanmar. Since April 2003, the list for the visa ban and asset freeze included individuals, organizations and companies associated with the military regime. In April 2004, the ban on technical assistance and training had included brokering services and other services for military activities as well as a ban on provision of financing and financial assistance. In October 2004, a prohibition was introduced for EU-registered companies and organizations preventing them from granting any financial loan or credit, or acquiring or extending participation in named Myanmar state-owned enterprises. The European Commission also expressed its strong support for the ILO Liaison Officer in Myanmar and underlined the need to maintain an ILO presence in the country operating effectively and without



hindrance. The Commission continued to monitor the situation very closely and future steps would be proportionate to the evolution of the situation and to the implementation by Myanmar of the recommendations of the ILO as regards forced labour.

23. International organizations have mainly replied to the Director-General's letter of 21 April 2005; some of them have followed up after the letter of 15 July 2005. In letters dated 25 May, 14 June and 1 September 2005 the *Asian Development Bank* (ADB) indicated that the status of its lending and technical assistance operations in Myanmar had not changed since its previous replies of 8 December 2000 and 5 February 2001. It also clarified that Myanmar was a part of the Greater Mekong Subregion (GMS) and, because of its geographical location, participated in regional meetings and workshops for the benefit of all its neighbours, but that there was no ADB direct assistance to Myanmar under any of the GMS regional technical assistance projects. In a letter dated 8 June 2005 the *Association of Southeast Asian Nations* (ASEAN) indicated that the ASEAN labour ministers and their senior officials were kept informed of developments in the elimination of forced labour in Myanmar by the senior officials of that country, including recently at the Fourth Senior Labour Officials Meeting held from 5-6 May 2005 in Siem Reap. The senior labour officials had expressed their sincere hope "that the matter could be resolved soon in an amicable manner". In a letter dated 17 August 2005 the *International Maritime Organization* provided details of the technical assistance it had provided to Myanmar in 2004-05.<sup>6</sup>
24. The *World Bank* indicated that it currently had no programme in Myanmar and therefore was not in a position to provide any additional information. The *World Tourism Organization* indicated that, since Myanmar was not at present a member, it had no relevant information to contribute. The *Food and Agriculture Organization*, *UNESCO*, and the *United Nations Population Division* also indicated that they had no relevant information to provide. The *Universal Postal Union* indicated that it had requested the regional adviser for Asia for detailed information on the situation of forced labour in the postal sector, which would be provided in due course.

Geneva, 9 November 2005.

*Submitted for discussion.*

<sup>6</sup> This information is on file and is available from the Office on request.

## Appendix I

### Letter dated 15 July 2005 from the Director-General to member States of the ILO

Dear ...

Further to my letter of 21 April 2005, a copy of which I attach for ease of reference, I have the honour to draw your attention to the conclusions of the special sitting of the Committee on the Application of Standards, held at the 93rd Session of the International Labour Conference, to examine developments concerning the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29). These conclusions were adopted by the International Labour Conference on 16 June 2005, and are enclosed herewith. A complete record of the discussions in the Committee is available at:

<http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/pr-22-3.pdf>

The conclusions are directly relevant to the review that the Organization's Members were called upon to make of their relations with Myanmar, and the decision they will have to take as regards action.

I would also wish to draw your attention to the fact that the conclusions urge that the United Nations Economic and Social Council (ECOSOC) should be requested to reactivate its consideration of the item concerning Myanmar placed on its agenda in 2001, and encourage member States of the ILO who are represented in ECOSOC to support this course of action.

As noted in my earlier letter to you, a full report on action taken by the Organization's constituents will be prepared for the 294th (November 2005) Session of the Governing Body. Please provide the Office with all relevant information to allow this report to be prepared.

May I also request that you bring the contents of this letter to the attention of the employers' and workers' organizations of your country so that they may take any appropriate action and inform me either directly or through you.

Yours sincerely,

*(Signed)* Juan Somavia.

## Appendix II

### Letter dated 22 July 2005 from the Director-General to international organizations

Dear ...

Further to my letter dated 21 April 2005, attached for ease of reference, I have the honour to draw your attention to the conclusions of the special sitting of the Committee on the Application of Standards of the 93rd Session (June 2005) of the International Labour Conference concerning the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29). These conclusions, which have been endorsed by the International Labour Conference on 16 June 2005, are enclosed herewith. A complete record of the discussions in the Committee is available at:

<http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/pr-22-3.pdf>

As I noted in my earlier letter to you, a full report on action taken by the Organization's constituents, as well as by international organizations, will be prepared for the 294th Session (November 2005) of the Governing Body, and will include any relevant information or further information that you will provide.

I wish to thank you in advance for your cooperation in this important matter.

Yours sincerely,

*(Signed)* Juan Somavia.

## Appendix III

### Letter dated 30 June 2005 from the Director-General to the Secretary-General of the United Nations

Dear Secretary-General,

Further to my letter dated 21 April, I have the honour to draw your attention to the conclusions of the special sitting of the Committee on the Application of Standards of the International Labour Conference concerning the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29). These conclusions, which have been endorsed by the International Labour Conference on 16 June, are enclosed herewith.

I would note in particular the Conference's conclusions that ECOSOC should be requested to reactivate its consideration of the matter which was placed before it since 2001. Accordingly, I would be most grateful for your interest in giving effect to the request of the International Labour Conference. For your reference, I have attached my original letter of 9 March 2001 to the Chairperson of ECOSOC requesting that this item be placed on the Council's agenda in the appropriate manner.

As I noted in my earlier letter to you of 21 April, a full report on relevant action taken by the Organization's constituents, as well as by international organizations, will be prepared for the November session of the Governing Body. Any information relating to action taken on the present request will of course be reflected in that report.

I wish to thank you in advance for your cooperation in this important matter.

Yours sincerely,

*(Signed)* Juan Somavia.

## Appendix IV

### History and summary of current European Union measures against Myanmar (annexed to the letter from the Government of Austria dated 21 October 2005)

1. The EU has adapted and strengthened its sanctions regime against Burma/Myanmar over the last ten years in response to deteriorating circumstances on the ground, failure by the Government of Burma/Myanmar to make progress on human rights, national reconciliation and use of forced labour. In line with EU sanctions policy the EU has worked to achieve positive change in Burma/Myanmar by placing pressure on those responsible for its policies, whilst minimizing any adverse impact on the general population.
2. In 1996 (CP 96/635/CFSP), with a view to promoting progress towards democratization and securing the immediate and unconditional release of detained political prisoners the EU reaffirmed: the expulsion of military personnel attached to Burma/Myanmar missions in the EU and withdrawal of military personnel from diplomatic missions in Burma/Myanmar; its arms embargo; and the suspension of non-humanitarian aid or development programmes (with specific exceptions). The EU also imposed: an entry visa ban for senior members of the Slorc and their families, senior members of the military or security forces (and their families) who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy; and suspended high-level bilateral government visits to Burma/Myanmar.
3. In 1998 (CP 98/612/CFSP), in response to a deterioration in the internal situation in Burma/Myanmar and lack of progress on releasing political prisoners or steps towards democracy and national reconciliation, the EU amended the visa ban to include transit visas and added the State Peace and Development Council (SPDC), and their families, and also added Burma/Myanmar authorities in the tourism sector. It deleted SLORC (State Law and Order Ruling Council).
4. In 2000 (CP 2000/346/CFSP) in response to severe and systematic violations of human rights, the continuing and intensified repression of human rights and still no steps taken towards democracy and national reconciliation, the EU introduced a list of those subject to the visa ban in the categories previously identified and imposed an assets freeze for listed individuals. It also introduced an embargo on the supply of equipment which might be used for internal repression.
5. In 2001 (CP 2001/757/CFSP) in response to a complete lack of progress on any front and the failure to take action to eradicate the use of forced labour in accordance with the recommendations of the ILO report of 2001, the EU updated the visa ban and assets freeze list. The EU also introduced some specific exemptions for the visa ban. The visa ban and assets freeze list was again updated in October 2002 (CP 2002/831/CFSP).
6. In April 2003, the EU decided on a further strengthening of the Common Position through the extension of the scope of the list for the visa ban and asset freeze to include also individuals, organizations and companies associated with the military regime who formulate, benefit or implement policies that impede Burma/Myanmar's transition to democracy and their families and associates. In 2003 (CP 2003/297/CFSP), the EU also introduced a ban on the supply of technical training and assistance for goods on the military list and spelt out in more detail exemptions to all measures in line with the EU Sanctions Guidelines.
7. In 2004 (CP 2004/423/CFSP) in response to a lack of progress by the Government of Burma/Myanmar on any of the lift criteria, the EU widened the ban on technical assistance and training to include brokering services and other services for military activities,

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introduced a ban on the provision of financing and financial assistance related to military activities and updated the visa and assets freeze ban lists.

8. In October 2004 (CP 2004/730/CFSP) in response to continued lack of progress by the Government of Burma/Myanmar and the failure to release Daw Aung San Suu Kyi and other members of the National League for Democracy (NLD), and the failure to allow a genuine and open national convention, the EU strengthened its sanctions against Burma/Myanmar. The EU extended the visa ban to include serving members of the military of Brigadier-General or above and members of their families, extended the assets freeze to include prohibitions on the granting of any financial loan or credit to Burma/Myanmar state-owned enterprises and the acquisition or extension of participation in the same.
9. In 2005, the EU again revised its Common Position imposing sanctions against Burma/Myanmar. The current measures imposed by the EU can be summarized as:
  - A visa ban and assets freeze against named members of the military regime, the military and security forces, the military regime's economic interests and other individuals, groups, undertakings or entities associated with the military regime, and their families.
  - A visa ban against serving members of the military of the rank of Brigadier-General and above.
  - A comprehensive embargo on arms and equipment which might be used for internal repression and a ban on military personnel attached to diplomatic representations in and from Burma/Myanmar.
  - A ban on high-level government visits at the level of political director and above. A suspension of most non-humanitarian aid.
  - Prohibition on EU companies making finance available to named Burma/Myanmar state-owned companies, their joint ventures and subsidiaries.